



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Baroness Sugg CBE, former Parliamentary Under Secretary of State (Minister for the Overseas Territories and Sustainable Development) at the Foreign, Commonwealth & Development Office (FCDO), appointment with the Council for Independent Scrutiny of Heathrow Airport.

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the Government's Business Appointments Rules for former ministers (the Rules) on taking up an appointment with the Council for Independent Scrutiny of Heathrow Airport (the Council) as Chair. The material information taken into consideration by the Committee is set out in the annex below.
2. The purpose of the Rules is to protect the integrity of the government. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions made during time in office, alongside the information and influence a former minister may offer the Council.
3. The Ministerial Code sets out that ministers must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers of the Crown, and Members of Parliament, are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.
4. It should also be noted that in addition to the conditions imposed on this appointment under the government's Business Appointment Rules, there are separate rules in place with regard to your role as a member of the House of Lords.

The Committee's consideration

5. The Committee¹ noted in your role at the Foreign, Commonwealth & Development Office (FCDO) you were not involved in any decisions specifically

¹ This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Sarah de Gay; The Rt Hon Lord Pickles; Richard Thomas; and Mike Weir. Susan Liautaud recused herself from this

affecting the Council and you did not meet with them while at the FCDO. Further, the FCDO confirmed it has no relationship with the Council. The Committee considered the risk of this work being offered as a reward for decisions made, or actions taken in office, as low.

6. This appointment has no direct overlap with your recent time in office, though there is a crossover with your former role as Parliamentary Under Secretary of State for Transport and as such you may have access to privileged information of relevance. However, the Committee noted that this was over three years ago and you have been out of government for almost two years. Further, the Committee noted your most recent department, the FCDO, does not consider you had access to any privileged information that could provide an unfair advantage and you have an ongoing duty of confidentiality.
7. The Committee also recognised that you may have some contact with government if it specifically requests to meet the Council and you as Chair. The Committee considered the nature of the company was relevant. Given its status as an engagement board to work with the stakeholders impacted by Heathrow airport providing challenges and scrutiny of its day-to-day operations and expansion proposals, there is limited scope for unfair advantage. The Committee considered as this proposed contact would be at the request of government, it would abide with the conditions below.

The Committee's advice

8. The risks above are limited and the conditions below prevent you from making use of the information and contacts gained in office to the unfair advantage of the Council.
9. The Committee advises, under the government's Business Appointment Rules, that your appointment with the Council for Independent Scrutiny of Heathrow Airport be subject to the following conditions:
 - you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in ministerial office;
 - for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK or its arms' length bodies on behalf of the Council for Independent Scrutiny of Heathrow Airport (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage the Council for Independent Scrutiny of Heathrow Airport (including parent companies, subsidiaries, partners and clients); and

application in line with ACOBA's published Code of Practice. Lord Larry Whitty and Jonathan Baume were unavailable.

- for two years from your last day in ministerial office you should not undertake any work with the Council for Independent Scrutiny of Heathrow Airport (including parent companies, subsidiaries, partners and clients) that involves providing advice on the terms of, or with regard to the subject matter of a bid with, or contract relating directly to the work of, the UK government or its arms' length bodies.
10. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate to rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists or the Parliamentary Commissioner for Standards. It is your personal responsibility to understand any other rules and regulations you may be subject to in parallel with this Committee's advice.
 11. By '*privileged information*' we mean official information to which a Minister or Crown servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Civil Service Code or otherwise.
 12. The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant/minister '*should not engage in communication with government (ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place - with a view to influencing a government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office*'. This Rule is separate and not a replacement for the Rules in the House.
 13. You must inform us as soon as you take up employment with this organisation, or if it is announced that you will do so and we will publish this letter on our website.
 14. Any failure to do so may lead to a false assumption being made about whether you had complied with the Rules.
 15. You must inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.
 16. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.

The Rt Hon Lord Pickles

Annex - Material information

The role

1. You seek to join the Council for Independent Scrutiny of Heathrow Airport in a paid, part-time role as a Chair.
2. You said the Council is an independent body representing the views of stakeholders around Heathrow airport. The website states the '*...Heathrow community is a diverse group of communities and stakeholders*' and the Council exists to increase their participation in the '*...airport's planning & decision-making processes and to work with the Heathrow Community to provide challenge & scrutiny of its day-to-day operations and expansion proposals*'.
3. It states it is independent of Heathrow Airport Limited (HAL) and government with an independent Chair, set up to be the Airport Consultative Committee and the Community Engagement Board for Heathrow Airport. It aims to publicly hold HAL accountable to the stakeholders and communities who are impacted by the airport's operations and ensure that it facilitates engagement in decision-making at Heathrow Airport
4. You said you would be chairing a new Airports Consultative Committee organisation set up under the Heathrow Community Engagement Board. You said your new role will not involve any lobbying of government but said there may be occasions when officials / ministers wish to speak to the Council and yourself as Chair in relation to its work with the local community and stakeholders around Heathrow. You made it clear you would not be seeking any meetings with ministers or officials myself.

Dealings in office

5. You advised the Committee you did not meet with the Council. Further, you said you did not have any involvement in any policy development or decisions that would have been specific to the Council, and held no commercial or contractual responsibilities relating to the organisation.

Department Assessment

6. FCDO confirmed the details you provided.
7. FCDO said it has no concerns about this appointment and recommended the standard conditions.